

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America, ) File Nos. 05cr13(1)  
Plaintiff, ) 19cr145(1)  
(DWF/LIB)  
vs. )  
St. Paul, Minnesota  
David Allen Neadeau, ) September 3, 2020  
1:13 p.m.  
Defendant. )

BEFORE THE HONORABLE DONALD W. FRANK  
UNITED STATES DISTRICT COURT JUDGE  
**(SENTENCING & FINAL REVOCATION HEARING)**

## APPEARANCES

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1

**P R O C E E D I N G S**

2

**IN OPEN COURT**

3

(Defendant present)

4

THE COURT: Why don't we have introduction of  
counsel first. We can start with government's counsel then  
move over to defense counsel.

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MR. WESLEY: Justin Wesley for the government,

Your Honor.

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MR. CORNWELL: Kevin Cornwell for Mr. Neadeau.

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THE COURT: And good afternoon to each of you,

including to you, Mr. Neadeau.

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And the -- a couple of things before I suggest how

we proceed with the case. When counsel talks, you're free

to leave your mask on or off as you address the Court,

either way is fine, the lawyers do it each in both ways.

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And then, secondly, something that's quite common

in state court, it was when I was a state judge many, many

years ago, but the -- and I think it still is, it's very

rare in federal court where -- meaning that lawyers, either

because they're required to or always stand up when they

address the Court, you don't -- I'd urge you not to stand

up, even though sometimes lawyers are uncomfortable doing

that, so that you can talk close to the microphone and

everybody can hear and my court reporter can get everything

down, and so I would urge that, as unusual as that is, but

1       these are kind of unusual times we're living in and so we'll  
2       proceed in that way.

3                   Then having said that, I would make the following  
4       suggestion how I proceed, not unique to this case.

5                   That the Court will first check in with counsel  
6       with respect to whether there's any -- anything that counsel  
7       want to be heard on, there doesn't appear to be any issues  
8       on the application of the advisory guidelines and the  
9       mandatory minimum sentence of 180 months, but I'll confirm  
10      that with the counsel.

11                  Then once I confirm that then we can move on to --  
12      I'll hear argument from defense counsel on what they think a  
13      fair sentence could be and absent objection, but I think  
14      you've both addressed this in your written submissions. You  
15      can also address that since you know it will be -- it's  
16      likely 180 months, because that's the mandatory minimum on  
17      the sentence before the Court on the violation hearing, you  
18      can address that at the same time, and you both have in your  
19      submissions to the Court, as well.

20                  Then at that time, Mr. Neadeau, as you may be  
21      aware, you have a right to make any comments to the Court.  
22      You don't have to say anything if you don't want to. As you  
23      know, some defendants talk at these hearings, some don't.  
24      The only rule that does not change from one case to another  
25      is the Judge cannot use it -- cannot use it in a bad or

1 negative way if you don't want to add something to what your  
2 attorney has said. And then subject to any  
3 response/rebuttal I'll move on to government's counsel on  
4 any positions they have.

5 If we proceed in that order, is that acceptable to  
6 the government?

7 MR. WESLEY: It is, Your Honor. Thank you.

8 THE COURT: To defense?

9 MR. CORNWELL: Yes, Your Honor.

10 THE COURT: And then I'll acknowledge for the  
11 record, in addition to the written memorandums I've received  
12 from each counsel, I will also acknowledge the receipt of  
13 the 23-page report from Erin Hunter entitled, A sentencing  
14 memorandum, based upon an interview that was, of course,  
15 also done by Zoom, with Mr. Neadeau. I've had a chance to  
16 read that as well.

17 And so with that in mind, I'll begin with the  
18 government. Any objections to the computation under the  
19 guidelines?

20 And I mean, frankly speaking, they came out  
21 consistent with the -- what was contemplated in the Plea  
22 Agreement, but anything further on the advisory  
23 guidelines?

24 MR. WESLEY: Nothing further, Your Honor.

25 THE COURT: For defense counsel?

1 MR. CORNWELL: No, Your Honor.

2 THE COURT: Then the Court finds that based upon  
3 adjusted offense level of 30, and a Criminal History  
4 Category of V, that creates an advisory sentence of 180 to  
5 188 months, and notably a mandatory minimum sentence of 180  
6 months.

7 A supervised release period of two to three years.

8 A fine of \$30,000 to \$250,000. I'll be imposing  
9 no fine today.

10 And a \$100 special assessment.

11 And then separate from that, the advisory  
12 guidelines on the -- since Mr. Neadeau is on probation for a  
13 similar charge, actually I was the sentencing Judge back in  
14 2006, that the advisory guideline there is 51 to 63 months.  
15 And, admittedly, there will be an issue of, well, apart from  
16 what the advisory guidelines are, the same guidelines  
17 suggest a consecutive sentencing rather than concurrent,  
18 separate from the issue of if it should be something other  
19 than 51 to 63.

20 So with that, I'll hear from defense counsel.

21 And I will indicate, to the extent -- Stephanie  
22 Thompson who's been the supervising agent, has my permission  
23 not to appear. We didn't pull up the big screen here for  
24 her to appear, but myself, and Ms. Thuringer, we both had a  
25 20-minute conference with her before we came to the court.

1       So she's familiar with it going on, currently, and we just  
2       finished a conference call with her.

3                   Whenever you're ready, counsel.

4                   MR. WESLEY: Thank you, Your Honor.

5                   Before I begin, I just want to acknowledge some  
6       folks who are here.

7                   THE COURT: All right.

8                   MR. CORNWELL: Sitting behind me are Mr. Neadeau's  
9       children, as well some other family members, as well, and  
10      some of his friends. So they've shown up here, I think, in  
11      larger numbers than I anticipated when I spoke to the clerk,  
12      but I'm glad that they're here, I know that he's glad that  
13      they're here, as well. So they offer their support to Mr.  
14      Neadeau, of course.

15                  I do want to, of course, acknowledge Ms. Hunter's  
16      assistance in providing her very, I guess, personal and  
17      intimate look into Mr. Neadeau's life. Very detailed. I  
18      find it very interesting. It's the first time I've used  
19      her. I hope it was helpful to the Court. I know it was to  
20      myself and to Mr. Neadeau, so I do want to acknowledge and  
21      thank her for what she did.

22                  It is our position as stated, Your Honor, in the  
23      sentencing memorandum that was filed that 180 months is  
24      sufficient but not greater than necessary to accomplish the  
25      sentencing factors set forth in the statute.

1                   It is also our position that any time that is  
2 imposed as a result of this supervised release violation run  
3 concurrent. Although the Court is correct in that the  
4 guidelines do recommend, or suggest, or even make it  
5 mandatory that any time run consecutive.

6                   THE COURT: Well, I think you're correct in your  
7 memorandum, I doubt the government will disagree, that  
8 mandatory, only to the extent that it's suggested by the  
9 guidelines, but under the -- under the 3553(a) factors the  
10 case law, I think that obviously, whether it's 51 to 63,  
11 something more than that, less than that, concurrent,  
12 consecutive, is the Court's call.

13                  So I'm -- until somebody persuades me otherwise,  
14 I'm not going into the hearing to saying, well, nothing  
15 makes any difference. The Court must -- must give a  
16 consecutive sentence, period. And I -- that's not the case.  
17 Although it is true the -- that's what the guidelines --  
18 there's no case law saying, Judge, you can ignore the  
19 federal statute and the guidelines say you must give it no  
20 matter what. And that's -- because this isn't the first  
21 case in this circuit or other places where that's -- that  
22 issue's come up.

23                  MR. CORNWELL: Right. Yep. And, of course, our  
24 position is well stated that we are asking the Court to  
25 exercise its discretion and run any time concurrently on the

1 supervised release violation.

2 Again, as the Court indicated, I know the Court  
3 has reviewed the sentencing memorandum, as well as Ms.  
4 Hunter's memorandum as well, so I'm not going to rehash  
5 everything in great detail but there are some things I want  
6 to discuss with the Court that I find particularly  
7 significant and worth noting.

8 I think it's clear in reading through Ms. Hunter's  
9 memorandum that Mr. Neadeau lived a life full of struggles.  
10 I don't think that's surprising.

11 She describes him as being kind of torn between  
12 two cultures. He is mixed race. He is African American and  
13 Native American. And I think she spent a great deal of time  
14 with him and I think he spent a great deal with her talking  
15 about that. And the inner turmoil that it caused him as a  
16 child, and as an adult, and continues to cause him, really,  
17 to some extent throughout his life. She talked about him  
18 being bullied, and ridiculed in school and not quite  
19 feeling as if he felt squarely belonged within either  
20 culture. And I think that struggle continues today. But as  
21 he continues to get older, I think he's taken a much more  
22 spiritual look at that issue. And I think he's responding  
23 to it.

24 And he's come to more peace with that issue,  
25 although I -- it's difficult for most of us to ascertain

1 what that would entail, but that is, I think, a significant  
2 issue in his upbringing and continues to be.

3 It's also clear that he had a very, I think,  
4 tumultuous upbringing. Again, not surprising. But there  
5 was a relatively unstructured family situation that he grew  
6 up in, spent time bouncing between various family members  
7 and various communities. Whether it was in the cities or up  
8 in Red Lake, he was bouncing back and forth between folks.

9 He witnessed substance abuse as a child. He  
10 witnessed violence as a child. And really -- and this isn't  
11 a critique to anybody who's in the courtroom, his mother --  
12 his mother's not here, but I think his youth and his  
13 upbringing lack stability and the guidance that, of course,  
14 is so crucial as we grow up.

15 I think he mentioned to Ms. Hunter that really the  
16 only time he felt any real sense of stability was when he  
17 lived with his aunt, his Aunt Mary. He was able to, to his  
18 credit, finish and graduate from Red Lake High School, join  
19 the Army Reserve and then attended Bemidji State for a short  
20 period of time to play football there. Unfortunately things  
21 didn't work out for him there and that's where things, I  
22 think, started to really spiral.

23 I think he moved back in and started to associate  
24 with folks that were negative for him. He started using,  
25 more heavily, controlled substances, alcohol. Things

1       spiralled down for him. He was depressed after he left  
2       college. I think he saw that as a great opportunity for  
3       him. And not surprisingly, all these things in combination  
4       really bring us here today.

5                  In hearing all of these things and in reading  
6       through his life history, life story, I guess one wouldn't  
7       be surprised if Mr. Neadeau was angry and bitter about the  
8       situation, about people in his life. And it's especially  
9       true, I think, when we consider that he spent nearly  
10      19 months in the Sherburne County Jail, which is challenging  
11      in the best of times but, of course, with COVID now,  
12      probably nothing short than a living nightmare given the  
13      fears that are surrounding COVID.

14                 I think he, as well as everyone in the Sherburne  
15      County Jail at this time, but he, especially given the  
16      length of time he's spent there, it's really been an  
17      unprecedented hardship on folks and him especially included  
18      because of the length of time. He's has sat there, again,  
19      almost 19 months in the Sherburne County Jail. He is not,  
20      however, bitter. He is not angry.

21                 The first time I met him and ever since I've dealt  
22      with him he's been very reserved, very respectful, very  
23      appreciative of everything that people have done for him.  
24      He's not making excuses. He hasn't done that since day one.

25                 He is -- and I know Ms. Hunter used a bunch of

1 words to describe her impressions of him and, again, I would  
2 agree with all of them, and I use my own word as mentioned  
3 in the memorandum, Your Honor, and it's hopeful. And that's  
4 what I really see him as. He's hopeful that he can  
5 reestablish at some time the relationship with his children  
6 who, again, are here and are reaching out to him.

7 I think he's hopeful that he can mend old  
8 relationships with his mother, particularly, and with  
9 siblings. He can establish new relationships, as well, Your  
10 Honor. I think he's hopeful of that. And, of course, he's  
11 hopeful that he's going to be given that opportunity by the  
12 Court to accomplish all of these things.

13 As I mentioned, the imposition of 15 years,  
14 180 months is a very sufficient or significant penalty,  
15 especially given the fact that he's 53 years old at this  
16 point. Even in the best of situations, if he's only looking  
17 at 180 months, he's looking at release in the early 60s,  
18 perhaps, to mid-60s.

19 It's also worth mentioning, Your Honor, that as  
20 part of the Plea Agreement the government has agreed to  
21 remain silent as to how the Court should handle that issue  
22 in terms of whether the time should run concurrently or  
23 consecutively on the supervised release violation.

24 Again, we've indicated in the memorandum why we  
25 believe it would be most appropriate for the Court to

1 sentence him concurrently. The government has indicated it  
2 believes 15 years is sufficient but not greater than  
3 necessary on the underlying offense and is making no  
4 argument on supervised release.

5 Your Honor, I'm asking Court to give him an  
6 opportunity and a reason for hope. Again, 15 years is  
7 sufficient but not greater than necessary to accomplish all  
8 the sentencing factors.

9 We are asking the Court to exercise great  
10 compassion and understanding in running any time imposed  
11 concurrently on the supervised release violation.

12 The final thing that he asked me to ask the Court  
13 to consider is that although the Court only makes  
14 recommendation, of course, to the Bureau of Prisons, he's  
15 asking the Court to recommend a placement at FCI, somewhere  
16 close to Minnesota. Whether that happens or not remains to  
17 be seen, but he's asking the Court to consider that. Thank  
18 you.

19 THE COURT: If I may ask you, counsel, before I  
20 ask if your client wishes to -- obviously one of the issues  
21 that's kind of in the air here, and I would be asking it --  
22 I would be asking this question even if I hadn't been the  
23 sentencing Judge back in 2006, and that is someone might be  
24 saying, obviously, obviously, he's 53 years old. Now, you  
25 might be saying, well, Judge, it was 15 years back then,

1       too, and here we are back again on a similar weapons charge  
2       and he's still deal with alcohol, drug, and other mental  
3       health issues.

4                   What's most important for me to know about that?

5       And, obviously, it was covered to some extent in Ms.  
6       Hunter's report and your memorandum but I thought, well,  
7       since it's kind of in the air here, I'd thought I'd ask it.

8                   MR. CORNWELL: As I read through the supervised  
9       release documentation, it appears to me as if he did fairly  
10      well for a period of time, for I think over a year he was --  
11      he was doing well. What caused him to slip back into this,  
12      I suspect, was some drug issues, some controlled substance  
13      issues.

14                  Of course, as I noted, any offense is serious.  
15      This offense thankfully didn't involve anybody who was  
16      injured. I think the weapon was found in his vehicle. It  
17      wasn't used, it wasn't brandished, it wasn't threatened to  
18      be used against law enforcement. It was found underneath a  
19      backpack or something similar to that as I recall. So it  
20      wasn't really used in the commission of the offense to  
21      frighten or to harm anybody.

22                  Again, he did well on supervised release. I think  
23      the position is -- imposition of consecutive sentencing, for  
24      all intense purposes, could be considered almost a life  
25      sentence.

1                   If the Court were to impose even the low end,  
2        51 months consecutive, he's looking at probably 70,  
3        somewhere close to there, at least.

4                   So, again, I would simply indicate that he did do  
5        well for a period of time. He was working. Apparently he  
6        remained chemical free, or relatively chemical free, during  
7        that period of time.

8                   He can make it, there's no question in my mind he  
9        can make it. He's a brilliant person. He's very smart,  
10       very intelligent, and well-spoken in everything. He can  
11       make it, Your Honor, we're just asking the Court to -- to  
12       recognize his success while on supervised release, to some  
13       extent, the factors of the offense itself and his age, as  
14       well, Your Honor.

15                  THE COURT: Do you know if your client wishes to  
16        make any statement to the Court?

17                  You have the rights, Mr. Neadeau, to make any  
18        statement. As you're probably aware, you don't have to say  
19        anything. As I said earlier, some defendants talk at these  
20       hearings, some don't. It's entirely up to you.

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: And if you can kind of speak close to  
23        the microphone because it's not -- it's not a fancy  
24        entertainment mic, so you'll have to kind of have it close  
25       to you, otherwise everybody can't hear and we can't get it

1 down, so.

2                 Okay. You can go ahead and state anything you'd  
3 like.

4                 THE DEFENDANT: Yes. Can you hear me, Your Honor?

5                 THE COURT: I can.

6                 THE DEFENDANT: Thank you.

7                 My daughters are here today. I call them the  
8 three amigos. My twin boys, my daughter-in-law. My boys  
9 are young fathers. My son, Jared, just recently had his  
10 first son. Named him after me, as well as my other son. I  
11 have another grandson that's named after me.

12                I think about that, you know. You know in my  
13 mind, you know, I'm not deserving of that, and yet my  
14 children, you know, had done that to honor me in their own  
15 way. And I look at that as them not giving up on me, you  
16 know.

17                I've thought long and hard about what I was going  
18 to say today, Your Honor. Tried a couple hundred times to  
19 sit down and write and it never worked out. And I just  
20 decided that when this day comes, you know, I'm just going  
21 to speak from my heart, you know, because that's the easiest  
22 thing to do.

23                On the way here, you know, I haven't seen the  
24 outside in a while, and seeing the free world made me think  
25 of, you know, that first day that I was released from prison

1       after doing twelve and a half years. And, you know, it was  
2       the greatest day of my life, you know, to be free again.

3                   I made my way to Crookston, a small rural town in  
4       northern Minnesota.

5                   THE COURT: I've been there a number of times.  
6       I'm familiar with it.

7                   THE DEFENDANT: Figuring I was going to make a new  
8       start and try to do it, you know, somewhere where things  
9       were slow, you know, and not the hustle and bustle of the  
10      big city, you know, not too much of the craziness of the  
11      reservation, you know, just a place to start fresh, you  
12      know.

13                  I got to the halfway house -- well, actually it  
14      was a county jail but better than prison. And the first day  
15      I was there was orientation, things like that. And the  
16      second day was they put an ankle monitor on my ankle and  
17      told me I could leave for a couple hours. So okay. Where  
18      am I going to go? Well, maybe you can go up to Walmart or  
19      something, go shopping and, you know, get some hygiene  
20      products, or whatever, but you're free to go for a couple  
21      hours and take care of some things. Okay.

22                  How do I get there? You know. They give me a  
23      little map, pretty easy to get there. Just two miles to  
24      your right and one mile to your left and you'll run right  
25      into it. So I begin my journey. I'm walking on this rural

1       highway and, you know, just, the beautiful scenery,  
2       something I haven't seen for a long time, you know. And  
3       then this big truck drives past me and I felt the wind, you  
4       know, so I figured I better start paying attention otherwise  
5       I'm going to get -- I might end up being roadkill.

6                   Well, I made it. I made it safely to the Walmart.  
7       And as I go to the door to go to grab the door, it opened  
8       up. I forgot doors do that. And so I walk into the Walmart  
9       Your Honor, and I'm standing there and then I just was  
10      overwhelmed. Like I just was like stuck, you know, and I  
11      realize that I stopped breathing so I had to tell myself to  
12      breathe again.

13                  Well, I decided to step back out. So I walked  
14      back out and got myself together and then decided that I was  
15      going to give it another try. So I turned around and I went  
16      back into the Walmart. And I'm standing there again and I  
17      had to remind myself to breathe. And this young girl walks  
18      up to me, and she must have noticed that something was going  
19      on with me, so she walks up to me and she patted me on the  
20      shoulder and she asked me if I was okay and if there was  
21      anything they could do to help me.

22                  And so I says to her, I says, yeah, can you tell  
23      me where the coffee is? So she brought me to the coffee  
24      aisle. And I'm standing there looking for this yellow bag  
25      of coffee called Keefe that they sell to us in the prison

1       commissary. Been drinking it for twelve and a half years.

2       So I'm standing there and I see all these coffee brands, and  
3       all of these creamers, and pouches of things, but I couldn't  
4       find my coffee. And, well, anyway, I realize I had been  
5       standing there for about a half hour and only got two hours  
6       to get back to the jail, so I just gave it up.

7                  I walked out of the Walmart, didn't buy nothing  
8       and I walked back to the jail. It was quite a -- quite an  
9       adventure, quite an experience, but I knew that I needed  
10      some help. So I called my mom and my mother came and she  
11      took me to Walmart. And then so I had to pay attention  
12      because my mother's trying to show me how this is done now,  
13      trying to show me the signs and, you know, boy, you can  
14      read, I know I taught you how to read.

15                 So it went well, you know. My mom kind of showed  
16      me how to shop at Walmart and Walmart became one of my  
17      favorite places to be. Every chance I got, I was going to  
18      Walmart. And if you need anything I got you. I know where  
19      it's at now.

20                 Well, that was my transition, you know. And, you  
21      know, things were going well. I had a good job. I had, you  
22      know, good people that were there to help me along the way.  
23      And I brought my family up and we got an apartment and  
24      brought my granddaughter up, you know, I got to be a  
25      grandfather for about a year, you know. And I was going to

1 give that little girl anything she wanted. You know, I was  
2 going to give her everything that I failed to give my own  
3 daughters and my sons.

4 She was a little gamer. She loved playing on her  
5 little tablet thing, you know. Well, I brought my son up,  
6 as well. Well, he's a gamer, too, so. He was pretty good.  
7 Kids and their games, you know. Well, I had to give my  
8 daughter back, my granddaughter back, you know, her mother  
9 loves her, too. You know, it was just temporary. Well, my  
10 granddaughter wanted to go back with her mom anyway because  
11 she got tired of her grandpa always pestering her, trying to  
12 get her to play outside.

13 During that time, Your Honor, you know, life was  
14 -- it was wonderful, you know. I got to experience a lot of  
15 different things, you know, that normal people do everyday,  
16 you know. I got some freedoms after a while and the ankle  
17 monitor came off, and I got to, you know, travel and, you  
18 know, reunite with family, and unite with new family  
19 members, you know. My children, my grandchildren, birthday,  
20 and a couple of Christmases.

21 And even at my job, you know, I was offered a  
22 supervisor position. Well, I didn't want to take the  
23 supervisor position and that means I got to babysit other  
24 people. And I was doing that for a lot of years in prison  
25 and I just didn't want to do that no more. I just wanted to

1 just go work, and do my job and go home to my family, you  
2 know.

3 I'm very remorseful. I can't find no words to  
4 express, you know, how remorseful I am sitting here today  
5 and how apologetic I am, you know, that my family has to be  
6 here. And to, you know, all of the folks out there that I  
7 got to meet along the way in my community and in my  
8 workplace and -- you know, there's a lot of goodness out  
9 there in the world and, you know, and I got to experience  
10 that, you know.

11 It's unfortunate, you know, all of the things that  
12 are happening today, you know, in our country, throughout  
13 the world with the pandemic and, you know, this civil  
14 unrest. And it's just really sad, you know, that I can't be  
15 where I'm supposed to be with my children and my family. My  
16 young sons, you know, are -- they're young fathers, and  
17 they're doing a very -- very good -- very phenomenal job at  
18 being young fathers right now. My daughters are being  
19 wonderful mothers. And I believe that what my children are  
20 doing today, you know, they're -- these young people now  
21 today are changing the world in their own ways and I believe  
22 that my children are going to finally break that vicious  
23 cycle, you know, that has ravished my family for  
24 generations.

25 For me, to no longer be selfish, you know, in the

1       very beginning when this happened, you know, I thought about  
2       not wanting to do this anymore, whatever it was. And, you  
3       know, I thought about making selfish acts but I decided  
4       that, you know all of the selfish things that I have been  
5       doing all my life, that would be the worst selfish thing to  
6       do. I had to think about my children and my grandchildren,  
7       you know, and my mother and my relatives. And so I decided  
8       to push forward and to not give up on myself.

9                  There's this story, I can't remember where -- I  
10         don't know where it came from, but two mice fell into a  
11         bucket of cream and the one mouse quickly gave up and  
12         drowned. And the second mouse refused to give up and it  
13         struggled so fiercely that it turned the cream into butter  
14         and it crawled out. So, Your Honor, I'm that second mouse.

15                  And to my mother who could not be here today  
16         because she has to be with my brother who has skin cancer  
17         and it came back, and so he started his first round of  
18         chemotherapy, and so my mother needed to be with him today.  
19         And when I spoke to her this morning she felt bad about it.  
20         And she apologized to me that she couldn't be here with me,  
21         and it just broke my heart because, you know, no mother  
22         should have to be in a situation where they have to decide  
23         whether they should be with one son who is in the hospital  
24         fighting cancer or to be with her other son who is being  
25         sentenced in federal court. And that is the situation that

1       I have created for my mother. There's nothing else that can  
2       be more heavy on my mind and my heart today.

3                   And as I -- as I sit here before the Court, Your  
4       Honor, and we had done this before, and I know that the  
5       first time you showed great compassion for me. I am not  
6       even suggesting on what I would like for you to do, but I  
7       would say that as I sit here a humbled man, and I know that  
8       the judicial process must take its course. I will continue,  
9       regardless of what happens here today, to never give up on  
10      myself, not give up before the miracle happens. I got some  
11      work to do and I've already started that work.

12                  There's been a lot of mental issues that I have  
13      tried to ignore over the years, but I know now that, you  
14      know, there's things with mental health that make all the  
15      difference. And so I begin that process already. The  
16      doctors have, you know, helped me, and with medication, and  
17      so things they feel like they're -- they feel already like  
18      it's making a difference for me in my life, in my day-to-day  
19      activities. And especially being in jail, that it helps me  
20      to cope. And so I will continue to find my way back to my  
21      family.

22                  And I would like to thank you, Your Honor, for  
23      giving me the opportunity to speak.

24                  THE COURT: One question before I go to -- any  
25      further thing, at least subject to rebuttal, by defense

1       counsel?

2                   MR. CORNWELL: Pardon me, Your Honor?

3                   THE COURT: I'm going to go to government's  
4        counsel, unless you like anything further, but I'll give you  
5        a chance to respond if you like in a moment.

6                   MR. CORNWELL: Fine, Your Honor.

7                   THE COURT: One question for you, Mr. Neadeau, and  
8        that is, obviously, separate from the prison sentence  
9        itself, one of the recommendations that I'd like to make is  
10      for you to have -- apart from the mental health screening  
11      and the medication issue is recommending that you  
12      participate in the Residential Drug Alcohol Treatment  
13      Program. I can't make you do that, but I'm hoping you'd be  
14      willing to do that. Are you willing to do that?

15                  THE DEFENDANT: Yes, Your Honor.

16                  THE COURT: All right. I'll hear from  
17      government's counsel and then I'll come back to defense  
18      counsel then before I make any decisions.

19                  MR. WESLEY: Your Honor, we'll just simply say  
20      that the government believes that the 180 months is a fair  
21      and just sentence in this case and that per the agreement,  
22      we are remaining silent on the 2005 case.

23                  THE COURT: Anything further by defense counsel?

24                  MR. CORNWELL: No. Not much to rebut there, Your  
25      Honor.

1                   THE COURT: Okay.

2                   Well, I'll go ahead. And I'll just thank everyone  
3                   for their written submissions they made. I'll respond  
4                   briefly to what's been said and also to the written  
5                   submissions and then announce the sentence.

6                   And then also I will stop and discuss, once I've  
7                   imposed a sentence, explain how we typically handle the  
8                   recommendation for facility. Most federal judges, including  
9                   me, would like to pick the facility. The Bureau of Prisons  
10                  is probably glad we can't and then they get to select the  
11                  facility, so.

12                  As probably I know the lawyers in the room know  
13                  and probably others do, too, but separate from the guideline  
14                  issues and the mandatory minimum issues, obviously, there's  
15                  the MM word, or mandatory minimum, means that separate from  
16                  the guidelines the Court can't go below the 180 months.  
17                  We'd probably be in the situation of something in that area,  
18                  with or without the mandatory minimum, consistent with other  
19                  similar cases, but the -- even assuming everything is  
20                  exactly as it's been stated in the reports, including the  
21                  report from the sentencing specialist who submitted her  
22                  report, and for the record, again, that's Ms. Hunter.

23                  But as most people know, the definition of a fair  
24                  sentence is what is that sentence that will promote respect  
25                  for the law, sufficient but not greater than necessary to do

1       that, will address the human being in front of me, will not  
2       create any unwarranted sentencing disparities. And then we  
3       get to, and I'll speak in plain language rather than use the  
4       legal terms deterrence, because there's kind of two types of  
5       so-called deterrence, but it really is promoting respect for  
6       the law and saying to a community and saying to a society,  
7       well, when this conduct occurs, here's the -- here's the  
8       punishment, or the consequence, so I'll go through that  
9       now.

10           And, actually, to the extent it's even relevant, I  
11       went back and reread the 2006 report. And, obviously, back  
12       then I remember -- in fact, there's a quote in the report  
13       from, and maybe you said this at the sentencing back then  
14       too, you had hoped you'd be able to change your life when  
15       you came out of prison.

16           And the -- I'll say something to you, Mr. Neadeau,  
17       that I do to many individuals, and I think I would say it  
18       even if I didn't have five daughters, two sets of twins,  
19       actually. And through no fault of my parents they were --  
20       because I grew up on a little farm in southeastern Minnesota  
21       and my dad had to quit school in eighth grade and work the  
22       farm, even though he was the youngest of seven kids. And  
23       then out of law school I went up to the Iron Range and  
24       worked on the Fond du Lac and the Red Lake Indian  
25       Reservations during the 22 years I was up there.

1                   But the -- and I'm not claiming that as a white  
2                   male growing up in America that I understand some of the  
3                   obstacles of minorities, especially people, whether it's  
4                   Native American, African American, other communities, I  
5                   understand -- but hopefully I've learned a few things along  
6                   the way.

7                   And so that even though I can't totally understand  
8                   those, even though I kind of grew up in kind of the  
9                   post-active Civil Rights movement. And I'm no expert and  
10                  sometimes I put this up -- I went through alcohol drug  
11                  treatment, that's my 43-year medallion, because I'm an older  
12                  fella back in the mid-to-late 70s and still volunteer and  
13                  I'm active. And I'll talk a little bit about that in a  
14                  moment about working a spiritual program, or the 12-step  
15                  program, taking things a day at a time, and getting into  
16                  that right group and so, because I think that -- that's a  
17                  key for a lot of individuals, and I'll get to that in just a  
18                  moment.

19                  But the thing is, I think -- and I thought this in  
20                  part back when we met in 2006, but you've kind of made it  
21                  clear now, too. One, you've kind of apologized, which is --  
22                  tells me something about you to your family, because,  
23                  obviously, good families are there with people -- with  
24                  individuals during the good and the best of times and so,  
25                  hence, you have family, and children and friends here.

1                   And so -- and I'm a bit old-fashioned. I think  
2                   that a lot of us should probably be judged by the type of  
3                   examples we set and are we there for our families. And  
4                   because I think you're sincere in what you say.

5                   I think something that's important for me to say  
6                   is a lot of good moms and dads, good sons, good uncles, good  
7                   aunts, good parents commit crimes.

8                   I was confronted by a nine year old a few years  
9                   ago saying, did you think my mom was a bad person because  
10                  you sent her to prison. I said, no, no. A lot of good  
11                  moms, good dads make mistake and commit crimes. Judges do  
12                  not make moral judgments like that.

13                  But on the other hand, and it's consistent with  
14                  something you've said and what I've read here, too, whether  
15                  it's now at your age of 53, or for a variety of reasons, you  
16                  have more reasons than a number -- than lots of people I see  
17                  in court, and a number of them are sitting right here now,  
18                  to kind of make this work.

19                  And then what's important, before I kind of  
20                  explain how I see what is a fair sentence in the case, our  
21                  statistics completely contradict the unfair stereotypes of  
22                  convicted felons, especially when they're from a minority  
23                  group because -- well, these are federal statistics, state  
24                  statistics aren't quite like this, but 95 percent of every  
25                  felon convicted and sentenced to prison and coming out in

1       federal court in Minnesota are working full-time making a  
2       lot -- making a lot more than minimum wage.

3                   And then maybe even more importantly is a little  
4       over two out of three people, even though the statistics are  
5       the other way in state courts and other areas, for a lot of  
6       different reasons, and they were when I was a young state  
7       court judge many years ago up in the -- in northern  
8       Minnesota, but when one of my closest friends was a judge  
9       and chief judge up in Crookston, and recently retired from  
10      the State Supreme Court here and -- Russ Anderson, but our  
11      statistics say more than two out of three people sitting  
12      where you're sitting if they work a program stay straight  
13      and sober, they never return on a new crime.

14                  Now, it's true the state statistics are flipped  
15      the other way, for a lot of different reasons. Part of it's  
16      lack of funding and other issues, and not kind of working  
17      with people, but two out of three people sitting where  
18      you're sitting in our courts, that's our statistics, do not  
19      return.

20                  And so if there's no reason that you should not  
21      be -- apart from what people think of the sentence today and  
22      everything, there's no reason why you shouldn't be in that  
23      group. And even though it's not your responsibility, one of  
24      the things you do, if you can do the things that you want to  
25      do, not just for your family, but in doing those, you also

1 challenge people's unfair stereotypes of people, whether  
2 they're convicted felons, from a minority group, because  
3 there are -- let's face it, there are a lot of those unfair  
4 assumptions and stereotypes made. And so the -- so I've  
5 taken a look at this and, yes, and I will be ordering you to  
6 be screened.

7 And then one thing that I do, not unique to your  
8 case, where there's identifiable mental health and alcohol  
9 and drug issues, no matter what happens inside the prison  
10 walls, we'll have immediate assessments done and screen you  
11 as you -- prior as you come out because one of the issues  
12 I've had with the Bureau of Prisons, frankly speaking, is  
13 someone coming out of prison, they say, well, you've been  
14 here this long, there's no need to follow up with any  
15 aftercare.

16 Well, if that person was working for a reputable  
17 program -- and not all BOP programs are like this, but if  
18 they were working for a reputable program, whether it was  
19 University of Minnesota, Hazelden, or other places, they  
20 would be fired right where they stood if they said, well,  
21 you're done now, you're out, no need to follow up with  
22 anything, that's not how the real world works. And a lot of  
23 the --

24 So one thing that it's unfortunate, I read --  
25 excuse me, in your presentence investigation, one of your

1 frustrations has been -- and to the extent it's relevant, or  
2 important to the lawyers, or anybody in the courtroom,  
3 Paragraph 73 on Page 19, it says, you've -- you've benefited  
4 much more in your point of view from individual treatment  
5 and therapy, and we'll work on that as well. But then you  
6 have been a little frustrated with some group treatment  
7 settings because people sit around and complain about their  
8 upbringings.

9 Well, if somebody is really working, whether in a  
10 spiritual program, 12-step program, or some other  
11 faith-based program, there's different kinds, that is not  
12 what happens -- is supposed to happen in those meetings.  
13 And I've been going to meetings for years and that just --  
14 that shouldn't happen that way where people sit down and --  
15 so, but we'll look at each of those issues irregardless of  
16 what happens inside the prison walls, and so.

17 And the other thing is, I see you've been a little  
18 frustrated with no prescription eyeglasses. I'll order the  
19 -- I'll order the Bureau to screen for that. And,  
20 obviously, you're probably aware -- before I announce the  
21 sentence, you're probably aware, you don't need me because  
22 I'm no expert, but especially if you're on some medication  
23 to address some mental health issues, which is really a good  
24 thing, then obviously you know that mixing it with even a  
25 small, small amount of, whether it's marijuana, alcohol,

1       meth, cocaine, the list goes on, it's like taking poison.  
2       And so that becomes crucial, too, because there's a lot of  
3       very, very good medications out there. And so we'll address  
4       that issue as well.

5                   And so -- and obviously I think you're probably  
6       aware that as one of the pluses to some of the fancy  
7       technology now at most facilities, even though some of us  
8       have some exceptions to some of the fees charged to inmates  
9       at facilities, you have the ability, unlike at -- well,  
10      Sherburne's had some of it, too, but you have not just the  
11      ability to Facetime and stuff, but they actually have, once  
12      we'll hopefully get back to some type new normal, whatever  
13      that is, you can actually have real visitation, as you're  
14      aware of, with family apart from any of the technology  
15      visits, so.

16                  Well, looking at it, both based upon looking at  
17       what we call the 3553(a) factors that -- that definition of  
18       a fair sentence, a number of people would look at this and  
19       say, well, it should be pretty simple, Judge, you should  
20       give -- you got, you know, you have to have give the 180,  
21       and then there's no reason why you shouldn't give some type  
22       of consecutive sentence.

23                  Well, based upon the -- sometimes the hard time  
24       credit I give and the fact that if you do what you say  
25       you're going to do and then if you don't, then it's on my

1       shoulders and yours, then I'm going to be imposing a  
2       51-month sentence on the violation and I'm going to run it  
3       concurrent.

4                   So what they'll do is take 180 -- I think it's a  
5       fair recommendation. In fact, if somebody were to ask,  
6       well, isn't it true in most similarly-situated cases it  
7       would be more likely to be -- some or all of it to be  
8       consecutive? True. But I think looking at all of the  
9       factors that -- especially when I can go to a five-year  
10      period of supervised release -- and you can ask your -- you  
11      know this, you probably don't have to ask your lawyer in  
12      private, but our probation officers, including Stephanie  
13      Thompson and others, yes, they enforce the rules, but the  
14      ones I work with are usually the last ones to give up on  
15      someone, as well. And because it's -- that's what the best  
16      probation officers do. And I would challenge anybody who  
17      states that, well, they just look for technical violations  
18      so they can send people away, that's not the people that I  
19      work with, so.

20                  And then, of course, the prosecutor has acted  
21      contrary to the unfair stereotypes, in a good way he has,  
22      unfair stereotypes where because the -- obviously, probably  
23      the safe way out with him would be say, well, it's clear, go  
24      for the maximum sentence, everything consecutive. And that  
25      hasn't happened either.

1                   And so you owe me nothing, and probably nobody in  
2                   the courtroom except your family and those around you, but  
3                   let's make this work. Because as contrary to what some  
4                   people think, our statistics, as I've already said,  
5                   contradict and challenge all these unfair stereotypes.  
6                   People sitting where you're sitting, two out of three never  
7                   return. And that's just a fact of -- and that's our  
8                   statistics. And we really try to work -- work on that and  
9                   so we -- there's no reason why you shouldn't be in that --  
10                  in that group.

11                  Now, obviously it's true if -- with the conditions  
12                  I'll put in, your -- your decision to use any alcohol or  
13                  drugs, you would obligate the Judge, whether it's me or  
14                  somebody else, to look at additional prison time. And I'm  
15                  not saying that would serve your best interests, but that's  
16                  not the test, either.

17                  And so I'm hoping that you're kind of at a  
18                  crossroads, and I think you are, and I think that -- I think  
19                  that Ms. Hunter believes that you are, too. So I'm -- I'm  
20                  really hoping we can make this work.

21                  So with that in mind, what I'll do is impose a  
22                  sentence and then come back and ask if there's any requests  
23                  for clarification. And then we'll specifically address the  
24                  recommendation for facility, and kind of what I'm familiar  
25                  with what's been happening in the context of the COVID-19

1 situation.

2 As the sentence of this Court and judgment of the  
3 law, I commit you to the custody of the Bureau of Prisons  
4 for a period of 180 months.

5 And then I also at this time, before I go to the  
6 conditions of that -- of the newest sentence on the charge  
7 you have, I'll use the phrase, conditionally pled guilty to.  
8 And then I'll define that by law for appeal purposes.

9 Then on the violation, I impose a sentence of  
10 51 months, direct that that run current with the 181-month  
11 sentence. And then upon the expiration of that time, that  
12 file will be closed. And that's the -- that addresses that.

13 I impose no fine, given your financial  
14 circumstances.

15 And do we -- and I think we've taken care of the  
16 forfeiture issue, counsel, on the weapon that's not an  
17 issue, I believe?

18 MR. WESLEY: I don't believe it's an issue, Your  
19 Honor.

20 THE COURT: Do you agree with that, defense  
21 counsel, that's not an issue?

22 MR. CORNWELL: It's not an issue.

23 THE COURT: All right. The Court imposes a term  
24 of five years of supervised release, which is the maximum  
25 without making any promises to you.

1                   We have cases where someone is 100 percent  
2 compliant and living the life they want to live with all our  
3 conditions. It's not unusual for us, often times, to  
4 shorten that by a year or more these days, and sometimes  
5 more depending on how people are doing, but it's also our  
6 responsibility to help people make the transition into the  
7 community.

8                   Now there's certain -- as you're aware, so-called  
9 mandatory conditions, but most of these would be put into  
10 effect any way.

11                  First, you shall not commit any crimes, be they  
12 federal, state or local.

13                  Second, you may not unlawfully possess a  
14 controlled substance unless something is prescribed by your  
15 medical provider, then you should follow those  
16 recommendations. And you'll be tested once within two weeks  
17 of your release from prison. And I would have this  
18 condition on if no alcohol or drug use. And then two  
19 additional times, and I'll get to that in a moment.

20                  Now some people have asked me, but you haven't,  
21 well, what about -- well, what about marijuana? Well, right  
22 now the feds and the state people can't get together on that  
23 because it's still a federal crime.

24                  And, yes, there's some very legitimate medical  
25 uses for marijuana in the THC levels in the marijuana today,

1       compared to the cornsilk that I used when I was a young  
2       person, apart from other drugs, are two different things.

3                     And Colorado needs to be proud because they have  
4       more people in inpatient treatment for THC addiction than  
5       any other state in the country. And so, yes, still think  
6       the feds and the state have to get that worked out because  
7       there are some very legitimate limited medical uses for it.

8                     And, actually, they decriminalized the use of  
9       marijuana decades ago, so if we're out smoking dope together  
10      out on the highway, as long as we have less than an ounce on  
11      us, it's a petty misdemeanor. And so sometimes I'm asked  
12      about that. And the feds and the state people are still  
13      trying to work that out.

14                  You shall cooperate with the collection of a DNA  
15      sample as every federal defendant has since -- and maybe  
16      you've already given one back because that's been in  
17      effect since October of 2004 for criminal identification  
18      purposes.

19                  Now, the next condition, if it happens, it's a  
20      so-called mandatory condition, it would be the first time in  
21      my 22 years here as a federal judge, if no one has planned  
22      your release and said, out the door, we're done -- and I've  
23      never seen that happen, it's happened sadly in state court  
24      with some frequency, but I've never seen it happen in any of  
25      my cases here, and it happened when I was a state judge

1       years ago up north, too, but the -- if no one's planned your  
2       release and they say out the door, then within three days of  
3       your release you shall check in or report to a U.S.  
4       Probation Officer.

5                  Now I'll move on to the specific conditions that I  
6       think are not only fair but serve your best interests:

7                  You will -- we'll direct that you complete an  
8       immediate assessment to participate in any recommended  
9       program to address alcohol or drug use, including inpatient  
10      treatment, outpatient treatment, support group work,  
11      individual therapy or counseling.

12                 And no matter what the Bureau of Prisons says,  
13       even if you complete successfully the RDAP Program, until --  
14       and I won't substitute my judgment for an expert assessor or  
15       evaluator, but until I'm otherwise convinced, you shall  
16       participate at least either one 12-step meeting per week, at  
17       a minimum, or -- and some people want a spiritually-based  
18       program, that's different -- some people misconstrue a  
19       12-step program, it's not a faith-based program. Some are  
20       like the Teen and the Adult Challenge, but for a lot of  
21       people a higher power's the group. But there's a spiritual  
22       group -- and I've dealt with some individuals who have a  
23       different spiritual group, we do those or I approve those  
24       all the time, and then make a good faith effort to have a  
25       mentor or a sponsor. And we'll work with you on that, but

1       we'll get an assessment done.

2                   Secondly, and unrelated to that, I'll direct that  
3       you participate in any assessment, recommended  
4       psychological, or psychiatric counseling or treatment.

5                   And that will be -- and we must be fair about how  
6       we screen for that because if -- if a defendant felt that,  
7       well, Jeez, they're having us do all these things and I need  
8       to come in front of the Judge because this is ridiculous,  
9       that probably happens in probably one out of hundreds of  
10      cases. I can't remember the last time that happened. That  
11      gets worked out. So we'll screen that.

12                  And then sometimes, especially with all of us, the  
13      male folks in America, this kind of macho image we're all  
14      supposed to have, sometimes there are grieving and other  
15      counseling issues, too, that we try to screen for and have a  
16      more progressive, proactive wellness philosophy.

17                  And so you'll be screened for those issues. And  
18      as I've already said, you'll follow the recommendations for  
19      any medication that your medical provider recommends.

20                  And then I'll ask the Bureau of Prisons to screen  
21      for prescription eyeglasses in the case.

22                  And, of course, what's implied here, too, is a  
23      condition you shall completely abstain from the use of  
24      alcohol and other drugs, unless something is prescribed by  
25      your medical provider.

1                   I'll also impose a \$100 special assessment for the  
2 Crime Victims Fund, which cannot be waived or suspended.  
3 And that was the law back in 2006, too. It goes into a  
4 general fund of victims of crimes.

5                   And they'll -- if you're working at UNICOR or  
6 nonUNICOR program at the Bureau of Prisons facility, they'll  
7 sometimes withhold if you're getting income from that, \$25  
8 on a quarterly basis to pay that -- excuse me, and so we'll  
9 -- that's usually a nonissue, as well.

10                  You have a right to take an appeal from the case.  
11 And let me explain that.

12                  You have waived your right to appeal the sentence  
13 as long as it's 180 months, no more than 180 months, which  
14 is the case.

15                  You have preserved your right to appeal under the  
16 rules the search and the issue that was decided by the  
17 magistrate judge and affirmed by me with respect to what led  
18 to the arrest and the charges. And so if you choose to  
19 appeal the case, the notice of appeal must be filed within  
20 14 days after we file what's called our sentencing judgment,  
21 which your lawyer gets a copy of, prosecutor, probation.  
22 And then we send it down to Texas, along with a presentence  
23 investigation. They'll also see the report from Miss  
24 Hunter. And so we'll probably do that no later than what,  
25 tomorrow?

1 MS. SAMPSON: Tomorrow.

2 THE COURT: Unless we're asked for some reason to  
3 delay it.

4 And I think you want me to make a recommendation  
5 -- make a recommendation for Minnesota, correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And then absent objection, I know  
8 there won't be an objection from government, but -- and I'm  
9 quite certain there won't be one from you or your attorney.  
10 And I'd like to think the Bureau of Prisons carefully looks  
11 at this and I'll just leave it at that but I usually would  
12 put in there, I hereby recommend a Minnesota facility so --  
13 to be close to immediate family.

14 Because I'd like to think that -- because one  
15 thing that probably applies to all human beings whether  
16 they've ever been to court or not, we all do better if we're  
17 fortunate to have the love and support of family and  
18 friends. And so I generally put that in there. I'd like to  
19 think that would make a difference to the Bureau of Prisons  
20 and -- but they don't have to follow my recommendation, but  
21 I'll recommend that.

22 And each of the facilities here in Minnesota, and  
23 you're probably aware also, have the Residential Drug  
24 Alcohol Treatment Program and other called vocational, and  
25 other services.

1                   So the -- and right now it's kind of been up in  
2                   the air, it varies week by week, and we maybe hear some of  
3                   these things that the jail about when they're transporting  
4                   people, depending on -- before the virus situation they were  
5                   taking about seven to nine days to make a decision. Then we  
6                   all find out together. In other words, they don't call me,  
7                   your lawyer, prosecutor, probation, we all find out  
8                   together. And so the -- but now it's -- it kind of varies  
9                   week by week. We get an updated report each week in terms  
10                  of, one, there's going to be a transport by van or by plane,  
11                  depending on what the designated facility is. And so that's  
12                  -- the good news is is that our local -- most local  
13                  facilities, they've both -- the three male federal prisons  
14                  and one female prison in Minnesota, we've had no inmates  
15                  with the -- knock on wood or something, no inmates with  
16                  the virus. That's not true, admittedly, across the  
17                  country. And it's probably not if it's going to happen but  
18                  when.

19                   But anything else before I go to counsel from  
20                  probation on any other conditions that --

21                   MS. THURINGER: No, Your Honor.

22                   THE COURT: All right. Anything further by  
23                  government?

24                   MR. WESLEY: No, Your Honor. Thank you.

25                   THE COURT: Counsel?

1                   MR. CORNWELL: Your Honor, may I just have a  
2 moment to speak with Mr. Neadeau?

3                   THE COURT: Yeah.

4                   MR. CORNWELL: Thank you.

5                   (Off-the-record discussion.)

6                   MR. CORNWELL: Nothing else. Thank you, Your  
7 Honor.

8                   THE COURT: Can we make this work, Mr. Neadeau?

9                   THE DEFENDANT: Yes, Your Honor.

10                  THE COURT: Really. I mean, you can think what  
11 you want of some older, white guy sitting in a robe up here  
12 but really I mean it when I say there's no reason why you  
13 can't do the things you want to do. And like I said, our  
14 statistics contradict all the unfair stereotypes that are  
15 out there. And so I don't know why this can't work.

16                  And I hope the designation, they look carefully at  
17 that. We'll put that in there because obviously then it  
18 would kind of increase the ability of family, friends,  
19 children, grandchildren to visit, too, so.

20                  There's no reason, even in these complicated times  
21 we live in, that we can't make this -- make this work, so.

22                  THE DEFENDANT: Yes, Your Honor.

23                  THE COURT: All right. And then I'm sure if  
24 anyone has any questions from your family, friends, your  
25 counsel can answer those.

1                   We stand in recess. We are adjourned.

2                   THE DEFENDANT: Thank you.

3                   (Court adjourned at 2:22 p.m.)

4                   **REPORTER'S CERTIFICATE**

5                   I, Lynne M. Krenz, do certify the foregoing  
6 pages of typewritten material constitute a full, true and  
7 correct transcript of my original stenograph notes, as they  
7 purport to contain, of the proceedings reported by me at the  
time and place hereinbefore mentioned.  
8

9                   /s/Lynne M. Krenz  
10                   Lynne M. Krenz, RMR, CRR, CRC

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